

112TH CONGRESS  
2D SESSION

# S. 2184

To provide exclusive funding to support fisheries and the communities that rely upon them, to clear unnecessary regulatory burdens and streamline Federal fisheries management, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MARCH 12, 2012

Mr. KERRY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. WHITEHOUSE, and Mr. BROWN of Massachusetts) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

## A BILL

To provide exclusive funding to support fisheries and the communities that rely upon them, to clear unnecessary regulatory burdens and streamline Federal fisheries management, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Fisheries Investment  
5       and Regulatory Relief Act of 2012”.

1 **SEC. 2. DEFINITIONS.**

2 Section 2(a) of the Act of August 11, 1939 (com-  
3 monly known as the “Saltonstall-Kennedy Act”) (15  
4 U.S.C. 713c–3(a)), is amended—

5 (1) by redesignating paragraph (1) as para-  
6 graph (2);

7 (2) by inserting before paragraph (2), as redes-  
8 ignated, the following:

9 “(1) The term ‘fishery investment committee’  
10 means a committee of a regional fishery manage-  
11 ment council established under subsection (c)(1).”;

12 (3) by redesignating paragraphs (2), (3), (4),  
13 and (5) as paragraphs (4), (5), (6), and (7), respec-  
14 tively;

15 (4) by inserting before paragraph (4), as redes-  
16 ignated, the following:

17 “(3) The term ‘regional fishery investment  
18 plan’ means a plan developed by a fishery invest-  
19 ment committee under subsection (c)(2).”; and

20 (5) by adding at the end the following:

21 “(8) The applicable definition under section 3  
22 of the Magnuson-Stevens Fishery Conservation and  
23 Management Act (16 U.S.C. 1802), shall apply to  
24 any term used in this Act that is not defined under  
25 this subsection.”.

1 **SEC. 3. REGIONAL FISHERIES INVESTMENT GRANT PRO-**  
 2 **GRAM.**

3 (a) REGIONAL FISHERIES INVESTMENT GRANT PRO-  
 4 GRAM AND FISHERY INVESTMENT PLANS.—Section 2 of  
 5 the Act of August 11, 1939 (commonly known as the  
 6 “Saltonstall-Kennedy Act”) (15 U.S.C. 713c–3), is  
 7 amended by amending subsection (c) to read as follows:

8 “(c) STRENGTHENING REGIONAL FISHERIES MAN-  
 9 AGEMENT.—

10 “(1) FISHERY INVESTMENT COMMITTEES.—

11 “(A) ESTABLISHMENT.—Each Council  
 12 shall establish and maintain, under the author-  
 13 ity of section 302(g) of the Magnuson-Stevens  
 14 Fishery Conservation and Management Act (16  
 15 U.S.C. 1852(g)), a fishery investment com-  
 16 mittee. Each fishery investment committee shall  
 17 be comprised of not more than 13 individuals.

18 “(B) AUTHORITY.—Each fishery invest-  
 19 ment committee shall—

20 “(i) develop a regional fishery invest-  
 21 ment plan under subsection (c)(2);

22 “(ii) review grant applications and  
 23 projects to implement its regional fishery  
 24 investment plan; and

25 “(iii) make recommendations, based  
 26 on its findings, to the Council on grant ap-

1           plications and projects to implement its re-  
2           gional fishery investment plan.

3           “(C) MEMBERSHIP.—

4                   “(i) QUALIFICATIONS.—Each member  
5           of a fishery investment committee shall be  
6           an individual who, by reason of the individ-  
7           ual’s occupational experience or other expe-  
8           rience, scientific expertise, or training, is  
9           knowledgeable of the conservation and  
10          management of, or the commercial or rec-  
11          reational catch of, the fishery resources of  
12          the geographical area concerned.

13                  “(ii) NOMINATIONS.—Each member  
14          of a fishery investment committee—

15                          “(I) shall be nominated and  
16                          elected by the applicable Council dur-  
17                          ing a public meeting of the Council;

18                          “(II) shall serve for a 3 year  
19                          term; and

20                          “(III) may be re-elected for an  
21                          additional 3 year consecutive term.

22                  “(iii) CONFLICTS OF INTEREST.—A  
23          member of a fishery investment committee  
24          shall recuse himself or herself from consid-  
25          ering any grant application that the mem-

ber has a financial interest that would require disclosure under section 302(j)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(j)(2)).

“(D) COMPOSITION.—Each fishery investment committee shall be multi-disciplinary, reflect the geographic balance of the Council, and include at least 1 representative of—

“(i) the commercial fishing community;

“(ii) the private recreational angling community;

“(iii) the for-profit charter fishing community;

“(iv) the public interest in marine conservation who—

“(I) does not derive an annual income from commercial or recreational fishing; and

“(II) is not employed by any person who derives an annual income from commercial or recreational fishing;

1 “(v) each State government in the re-  
 2 gion;  
 3 “(vi) relevant interstate commissions;  
 4 “(vii) federally recognized tribes,  
 5 where applicable; and  
 6 “(viii) research institutions.

7 “(2) REGIONAL FISHERY INVESTMENT  
 8 PLANS.—Each fishery investment committee shall  
 9 develop a regional fishery investment plan that iden-  
 10 tifies critical research, conservation, and manage-  
 11 ment needs and corresponding actions to facilitate  
 12 rebuilding and maintaining healthy fish populations  
 13 and sustainable fisheries over a 5 year period. Each  
 14 plan shall—

15 “(A) be consistent with the current 5 year  
 16 research priority plans developed under section  
 17 302(h)(7) of the Magnuson-Stevens Fishery  
 18 Conservation and Management Act (16 U.S.C.  
 19 1852(h)(7));

20 “(B) include areas of investment that are  
 21 critical for rebuilding and maintaining healthy  
 22 United States fish populations and promoting  
 23 sustainable fisheries, including—

24 “(i) stock surveys, stock assessments  
 25 and analysis, and cooperative fishery re-

1 search, in conjunction with NOAA, involv-  
2 ing fishery participants, academic institu-  
3 tions, and other interested parties;

4 “(ii) efforts to improve the collection  
5 and accuracy of fishery catch data, includ-  
6 ing—

7 “(I) expanding the use of, and  
8 research and development on, catch  
9 monitoring and reporting programs  
10 and technology, both at-sea and shore-  
11 side, including the use of electronic  
12 monitoring devices and satellite track-  
13 ing systems; and

14 “(II) improving data collection  
15 for recreational fisheries, including  
16 improvements to the Marine Rec-  
17 reational Fishery Statistics Survey in  
18 accordance with section 401(g)(3) of  
19 the Magnuson-Stevens Fishery Con-  
20 servation and Management Act (16  
21 U.S.C. 1881(g)(3));

22 “(iii) analyzing the social and eco-  
23 nomic impacts of fishery management deci-  
24 sions;

1 “(iv) providing financial assistance to,  
2 and investment in, fishermen and fishing  
3 communities through—

4 “(I) fishing capacity reduction,  
5 including vessel, permit, and gear  
6 buybacks; and

7 “(II) investment in permit banks  
8 or trusts and other entities, including  
9 community fishing associations and  
10 projects designed to help sustain fish-  
11 ery dependent communities and small-  
12 scale fisheries;

13 “(v) development of methods or tech-  
14 nologies to improve the quality and value  
15 of fish landed;

16 “(vi) research and development of  
17 conservation engineering technologies and  
18 methods in both commercial and rec-  
19 reational fisheries; and

20 “(vii) habitat restoration and protec-  
21 tion;

22 “(C) be revised by the regional fishery in-  
23 vestment committee and approved by the Coun-  
24 cil at least once every 5 years;



1 “(D) be submitted to the Secretary for re-  
2 view to ensure the plan is consistent with the  
3 requirements of the Magnuson-Stevens Fishery  
4 Conservation and Management Act (16 U.S.C.  
5 1801 et seq.), and this section;

6 “(E) be published in the Federal Register  
7 and made available for public comment; and

8 “(F) become effective not later than 60  
9 days after the date of receipt unless the Sec-  
10 retary makes a negative consistency finding.

11 “(3) NEGATIVE CONSISTENCY FINDING.—If the  
12 Secretary makes a negative consistency finding  
13 under paragraph (2)(F), each portion of the plan  
14 that is the subject of the negative consistency find-  
15 ing shall not be effective until it is made consistent  
16 by the regional fishery investment committee and  
17 the Council.

18 “(4) REGIONAL FISHERY INVESTMENT GRANT  
19 PROGRAM.—Not later than 30 days after the date of  
20 enactment of the Fisheries Investment and Regu-  
21 latory Relief Act of 2012, the Secretary shall estab-  
22 lish an annual competitive grant program to provide  
23 funds for projects, activities, and research that ad-  
24 vance the regional priorities that are included in the  
25 regional fishery investment plans.

1           “(A) ELIGIBLE RECIPIENTS.—State, Fed-  
 2           eral, regional, or private entities or persons  
 3           shall be eligible for funding with preference  
 4           given to public-private partnerships.

5           “(B) AWARDS.—The Secretary may only  
 6           award a grant for a project, activity, or re-  
 7           search that—

8                   “(i) implements regional fishery in-  
 9                   vestment plans; and

10                   “(ii) has been recommended for fund-  
 11                   ing by the respective regional fishery in-  
 12                   vestment committee and approved by the  
 13                   Council.”.

14           (b) NATIONAL FISHERIES INVESTMENT PROGRAM.—  
 15           Section 2(d) of the Act of August 11, 1939 (commonly  
 16           known as the “Saltonstall-Kennedy Act”) (15 U.S.C.  
 17           713c–3(d)), is amended—

18                   (1) in paragraph (1), by striking “research and  
 19                   development addressed to such aspects of United  
 20                   States fisheries (including, but not limited to, har-  
 21                   vesting, processing, marketing, and associated infra-  
 22                   structures) if not adequately covered by projects as-  
 23                   sisted under subsection (c), as the Secretary deems  
 24                   appropriate” and inserting “fisheries research and  
 25                   investment that supports rebuilding and maintaining

1 healthy United States fish populations and promotes  
 2 sustainable fisheries. The program shall address  
 3 fisheries needs and problems described under sub-  
 4 section (e)(1)(B).”; and

5 (2) in paragraph (2)—

6 (A) by striking “, after consultation with  
 7 appropriate representatives of the fishing indus-  
 8 try,”;

9 (B) by striking “Merchant Marine and  
 10 Fisheries” and inserting “Natural Resources”;

11 (C) in subparagraph (A), by striking “de-  
 12 velopment goals and funding priorities under  
 13 paragraph (1)” and inserting “investment pri-  
 14 orities”;

15 (D) in subparagraph (B), by striking “all  
 16 pending projects assisted under subsection (c)”  
 17 and all that follows and inserting “the projects  
 18 funded by the Secretary under this subsection;  
 19 and”;

20 (E) in subparagraph (C), by striking “each  
 21 project assisted” and all that follows and insert-  
 22 ing “how well the project met the fisheries  
 23 needs described in subsection (e)(1).”.

24 (c) DIVISION OF RESOURCES.—Section 2(e) of the  
 25 Act of August 11, 1939 (commonly known as the

1 “Saltonstall-Kennedy Act”) (15 U.S.C. 713c–3(e)), is  
2 amended—

3 (1) by striking “moneys” each place it appears  
4 and inserting “monies”;

5 (2) by striking “purpose of promoting” and in-  
6 serting “purposes of investing in”;

7 (3) by inserting “or diverted” following “shall  
8 be transferred”; and

9 (4) by striking subparagraph (A) and all the  
10 follows, and inserting the following:

11 “(A) The Secretary shall allocate 70 per-  
12 cent of these funds available at the beginning of  
13 each fiscal year to the 8 Council regions and  
14 the Secretary in accordance with the following  
15 formula pursuant to subsection (c):

16 “(i) One half allocated equally among  
17 the Council regions.

18 “(ii) One half allocated proportionally  
19 among the Council regions based on the  
20 combined economic impact of commercial  
21 landings and recreational fishing in each  
22 region.

23 “(B) 20 percent of these funds shall be  
24 available to the Secretary under subsection (d)  
25 for projects addressing fisheries needs and

1 problems, as identified by the Secretary, as fol-  
2 lows:

3 “(i) Up to one fifth shall be allocated  
4 to, and apportioned as the Secretary deems  
5 appropriate among, the Atlantic States  
6 Marine Fisheries Commission, the Gulf  
7 States Marine Fisheries Commission, and  
8 the Pacific States Marine Fisheries Com-  
9 mission.

10 “(ii) Up to one fifth shall be allocated  
11 to seafood promotion and sustainable cer-  
12 tification efforts.

13 “(iii) Up to one fifth shall be allocated  
14 to improve fisheries management through  
15 research, monitoring or evaluation, and  
16 modification of regulations and procedures.

17 “(iv) Up to one fifth shall be allocated  
18 to fisheries disasters, and shoreside infra-  
19 structure and access needs.

20 “(v) Up to one fifth shall be allocated  
21 to other special needs, including manage-  
22 ment of highly migratory species and inter-  
23 national fisheries.

24 “(C) Any amounts remaining after the an-  
25 nual fiscal year allocations made pursuant to

1           subparagraph (B) shall remain available to the  
2           Secretary without fiscal year limitation for fu-  
3           ture such allocations.

4           “(2) LIMITATION.—Not more than 10 percent  
5           of these funds may be used to offset receipts for the  
6           National Oceanic and Atmospheric Administration’s  
7           Operations, Research, and Facilities account.

8           “(3) ANNUAL NOTIFICATION.—The Secretary  
9           shall notify annually each Council of funds available  
10          for grants in its region.

11          “(4) ADMINISTRATIVE COSTS.—Prior to the al-  
12          location of funds under paragraph (1), the Sec-  
13          retary—

14               “(A) may reserve up to 3 percent of the  
15               funds available in a fiscal year for the adminis-  
16               tration of the grant program; and

17               “(B) shall distribute 3 percent of the funds  
18               available in a fiscal year equally among each of  
19               the 8 Councils for the development and imple-  
20               mentation of fishery investment plans and  
21               grant review.

22          “(5) MAINTENANCE OF EFFORT.—Except as  
23          provided in paragraph (2), the Secretary may not re-  
24          duce or eliminate funding for any research, survey,  
25          monitoring, or assessment activities necessary to

1 meet the conservation and management require-  
 2 ments of the Magnuson-Stevens Fishery Conserva-  
 3 tion and Management Act (16 U.S.C. 1801 et seq.)  
 4 as a result of funding provided under this section.”.

5 **SEC. 4. FOCUSING ASSETS FOR IMPROVED FISHERIES OUT-**  
 6 **COMES.**

7 Section 2(b) of the Act of August 11, 1939 (com-  
 8 monly known as the “Saltonstall-Kennedy Act”) (15  
 9 U.S.C. 713c–3(b)), is amended—

10 (1) by striking “(1)”;

11 (2) by striking “and ending on June 30,  
 12 1957,”;

13 (3) by striking “moneys” the first place it ap-  
 14 pears and inserting “monies”; and

15 (4) by striking “shall be maintained in a sepa-  
 16 rate fund only for” and all that follows and inserting  
 17 “and shall only be used for the purposes described  
 18 under subsection (c).”.

19 **SEC. 5. REGULATION AND PROCEDURE STREAMLINING.**

20 (a) IN GENERAL.—For the 2 fiscal years following  
 21 the date of enactment of this Act, the Secretary of Com-  
 22 merce shall use funds available under section 2(e)(2) of  
 23 the Act of August 11, 1939 (commonly known as the  
 24 “Saltonstall-Kennedy Act”) (15 U.S.C. 713c–3), to con-  
 25 duct a review of the regulations and procedures used to

1 implement title III of the Magnuson-Stevens Fishery Con-  
2 servation and Management Act (90 Stat. 346).

3 (b) REVIEW REQUIREMENTS.—The review under  
4 subsection (a) shall—

5 (1) identify redundant and inefficient regula-  
6 tions and procedures;

7 (2) make recommendations for streamlining  
8 such regulations and procedures, including rec-  
9 ommendations to eliminate unnecessary paperwork,  
10 reduce bureaucratic restrictions, and speed the inclu-  
11 sion of new information into management decisions;  
12 and

13 (3) ensure that any recommended modifications  
14 to regulations or procedures are consistent with the  
15 Magnuson-Stevens Fishery Conservation and Man-  
16 agement Act (16 U.S.C. 1801 et seq.), and any  
17 other applicable law.

18 **SEC. 6. PROMULGATION OF REGULATIONS.**

19 Not later than 90 days after the date of enactment  
20 of this Act, the Secretary shall promulgate regulations to  
21 implement the requirements of this Act.

